

In re LIN ET AL., Application No. 10/733,016
REMARKS B

All pending claims in the present application are directed to distributing routing information in a single device (i.e., the clients are within the device), with such a limitation recited in each of the independent claims.

The Office action, on page 3, equates

- Butehorn et al.'s satellite terminal 205 with the recited element of router/device; and
- Butehorn et al.'s end-host 201 to the recited element of the client.

Each independent claim recites a limitation of

- "the router includes the client" or "the device includes the client".

FIG. 2 of Butehorn et al. illustrates that end-host 201 does not include satellite terminal 205.

Butehorn et al. teaches they are two separate devices, albeit coupled together - but still they are two separate devices. Therefore, Butehorn et al. does not anticipate any of the claims.

Remember, the MPEP and law are clear that for anticipation, the reference *must teach each and every aspect of the claimed invention* either explicitly or impliedly, and the burden is on the Office to present a *prima facie* case of anticipation. MPEP § 706.02. Inherent means it *must* occur. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112 (*emphasis in original*). For at least the reason that Butehorn et al. teaches end-host 201 and satellite terminal 205 are two separate devices (and equates these two devices to the recited limitations as discussed *supra*), the Office fails to present a proper § 102(e) anticipatory rejection.

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The Office's statement of rejection is even more problematic. The Office states that it equates

- Butehorn et al.'s satellite terminal 205 with the recited element of router/device.
- Butehorn et al.'s route server 215 receiving a route update with the recited limitation of "receiving a particular route update"

Claim 1, for example, recites:

- a method performed within a router, with the method comprising several steps/operations, including "receiving a particular route update"

Therefore, claim 1 requires that the router performs the operation of "receiving a particular route update." However, as applied by the Office to the claim, Butehorn et al. teaches that this operation is performed by router server 215, and not satellite terminal 205. In fact, FIG. 2 illustrates that these are two different devices separated by satellite network 207. Therefore, the Office fails to present a proper § 102(e) anticipatory rejection for any pending claim (as these remarks apply to all pending claims). Moreover, Applicants respectfully submit that if Butehorn et al.'s satellite terminal 205 and route server 215 were the same device, it would defeat the entire purpose of Butehorn et al.; and therefore, Butehorn et al. neither teaches nor suggests all limitations of any pending claim.

For at least these reasons, Applicants respectfully submit that the prior art of record neither teaches nor suggests all the elements/limitations of any pending claim.

Assuming the Office action complies with MPEP § 706 and 37 CFR 1.104(c)(2) (and Applicants have no reason to believe it has not), then the Office cited the best prior art references available. As the best prior art references available neither teaches nor suggests all the claim limitations of any pending claim, then all pending claims are believed to be allowable over the best prior art available, and Applicants request all pending claims be allowed and the application be passed to issuance.

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Applicants believe no extension of time is required, but should such an extension of time be required, Applicants hereby petitions for such extension of time required and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time.

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By


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